

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DESIGN BASICS, LLC and CARMICHAEL
& DAME DESIGNS, INC.,

Plaintiffs, ORDER
v. 11-cv-124-wmc
ACKER BUILDERS, INC., WAYNE E.
ACKER, and MIDWEST FAMILY MUTUAL
INSURANCE COMPANY,
Defendants.

In anticipation of the upcoming trial, the court sets forth the following deadlines and guidelines on pre-trial submissions. Counsel should take note of the bolded additions to the obligations set forth in the preliminary pretrial order.

- 1) On or before Friday, April 13, 2012 the parties shall provide opposing counsel and the court:
 - a) Rule 26(a)(3) disclosures.
 - b) Motions in limine.
- 2) On or before Friday, April 20, 2012, the parties shall provide opposing counsel and the court:
 - a) **A short, written narrative statement of each expert's background and experience. These statements will be read to the jury and no proof will be received on the matters covered unless an objection to the narrative statement is filed.**
 - b) Exhibit lists. Any exhibits not listed shall be excluded from admission into evidence except upon good cause shown.
 - c) **A list of portions of depositions, to be offered into evidence at trial, by page and line references for witnesses unavailable at trial. Extensive reading from depositions is strongly discouraged. Toward that end, the proponent of a deposition may -- though is not required to -- prepare a written narrative summary of some or all deposition transcripts the party intends to offer into evidence, with**

annotated page and line references in parenthesis after each sentence, in lieu of part or all of the narrative of questions and answers.

- d) Additional voir dire questions.
- e) Proposed verdict forms.
- f) Proposed jury instructions, including the brief ordered above.
- g) In addition to electronically filing voir dire questions, verdict forms and jury instructions, please submit to the court an electronic copy of each in Microsoft Word format to wiwd_wmc@wiwd.uscourts.gov.

3) On or before Friday, April 27, 2012, the parties shall provide opposing counsel and the court:

- a) Responses to motions in limine.
- b) Objections to exhibits.
- c) Responses to opposing parties' voir dire questions, verdict forms, and jury instructions.
- d) **Objections and counter designations to proffered deposition designations.**

4) Counsel are directed to consult in good faith and reach resolution on the admissibility of exhibits to the extent possible. Each party shall file copies of any *contested* exhibits they intend to offer with the court by 12:00 p.m. on Thursday, May 3, 2012.

5) The final pre-trial conference shall be held on Tuesday, May 8, 2012 at 4:00 p.m.

6) The trial shall commence Monday, May 14, 2012 at 9:00 a.m. The parties shall meet with the court at 8:30 a.m. that morning for any matters that need to be brought to the court's attention. The court notes that this trial may start later in the week, as other trials are also scheduled to commence on Monday. The timing of this trial will be determined at the final pre-trial conference.

Entered this 10th day of April, 2012.

BY THE COURT:
/s/

WILLIAM M. CONLEY
District Judge